



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,187	03/21/2001	Shigeaki Watanabe	NAK1-BA81a	7440
21611	7590	10/19/2005	EXAMINER	
SNELL & WILMER LLP 600 ANTON BOULEVARD SUITE 1400 COSTA MESA, CA 92626			LAMBRECHT, CHRISTOPHER M	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/814,187	Applicant(s) WATANABE ET AL.	
	Examiner Christopher M. Lambrecht	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 43-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 43-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 1 August 2005 have been fully considered but they are not persuasive.

On pages 8 and 9 of the reply, Applicant summarizes various features as disclosed in Shoff (of record) and submits, "[t]he only timing concern that *Shoff* discusses is the timing required to synchronize presentation of the supplemental content with the video program." In the following paragraph on page 9 of the reply, Applicant concludes, "[c]learly, this falls short of a teaching for 'a display control unit for controlling the display of the plurality of contents in response to the interacting operation of the user, wherein each of the plurality of contents has at least one instruction for controlling the display of the content and time control information for indicating a time at which the instruction is to be executed.'"

In response, Examiner submits that column 8, lines 45-51 of Shoff discloses a display control unit (processor 92) for controlling the display (i.e., to render content) of the plurality of contents (see column 7, lines 44-45) in response to the interacting operation of the user (see column 9, line 66 - column 10, line 3). Additionally, column 10, lines 34-58 of Shoff disclose each of the plurality of contents has at least one instruction for controlling the display of the content (display layout parameters) and time control information (timing information) for indicating a time at which the instruction is to be executed (specifically, see column 10, lines 55-58).

Absent a more specific identification in the reply as to what claimed subject Applicant believes to be lacking in the disclosure of Shoff, Examiner submits that the disclosure of Shoff meets the claimed limitations.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 43-53** are rejected under 35 U.S.C. 102(e) as being anticipated by Shoff et al. (of record).

With regard to **claims 43 and 53**, Shoff discloses a data presentation control apparatus (STB 26, fig. 2, col. 4, ll. 23-28) and corresponding control program comprising:

a receiving unit (viewer computing unit 90, fig. 5) for receiving transmitted data (col. 8, ll. 4-10) having plurality of contents therein which make up a broadcast program (col. 7, ll. 36-50), the plurality of contents each being a unit of information for which interactive operations are provided to be performed by a user (col. 9, l. 66 - col. 10, l. 3);

an extracting unit for separating data necessary for a display of each of the plurality of contents from the transmitted data received by the receiving unit (col. 10, ll. 34-37);

a data storage unit (storage associated with processor 92, e.g., internal cache or volatile memory 94, fig. 5) for storing the data separated (where browser module 106 is loaded onto the processor upon initiation of an interactive session for rendering the supplemental content data, col. 9, ll. 27-29; thus, the timing information and display layout which were extracted from the received program are stored therein for rendering thereof);

a display control unit (processor 92) for controlling the display of the plurality of contents in response to the interacting operation of the user (col. 9, l. 66 - col. 10, l. 3), wherein each of the plurality of contents has at least one instruction for controlling the display of the content and time control information for indicating a time at which the instruction is to be executed (col. 10, ll. 34-58);

Art Unit: 2611

a present time information obtaining unit for obtaining a present time (col. 10, ll. 7-17); and
a time information judging unit for judging whether the instruction should be executed by
comparing the present time with the time indicated by the time control information (col. 10, ll. 7-17),
wherein

the display control unit, in the case where the time information judging unit judges that the
instruction should be executed, changes the display of the currently displayed content by executing the
instruction (col. 11, ll. 56-62).

As to **claim 44**, Shoff discloses the data display control apparatus of claim 43 further comprising:
an operation indication receiving unit (mechanism for actuating on-screen icons) for receiving an
operation indication inputted by a user (col. 9, ll. 54-59), wherein

the time control information (of target resources, col. 13, ll. 17-20) includes for the operation
indication (i.e., triggers), a combination of (a) a piece of handler information specifying an instruction in
correspondence with each of the operation indications ("event" tag Table 2, relates trigger events with one
or more instructions as defined in "action" tags to be executed; see discussion of selectable icons/soft
buttons with respect to figs. 8a-c, col. 10, l. 59 - col. 11, l. 47), and (b) a valid period of the piece of
handler information (see description of time-based "trigger" tags, Table 2, col. 13, ll. 23-28, as used in
controlling when supplemental content is rendered, i.e., activated, thus beginning a valid period for the
pieces of handler information of a given supplemental content); and

in the case where the display control unit is displaying a content and the operation indication
receiving unit has received an operation indication from the user, the display control unit changes the
display of the currently displayed content by executing the instruction specified by the piece of handler
information (col. 10, l. 64 - col. 11, l. 11), if the present time obtained by the present time information
obtaining unit (i.e., the present time) is within the valid period that is combined with the piece of handler
information corresponding to the operation indication received (i.e., for a given supplemental content

Art Unit: 2611

comprising multiple pieces of handler information defining instructions to execute in response to specific triggers/operation indications inputted by the user, the display control unit will execute an instruction as defined by a piece of handler information defined to respond to the particular user operation indication if said piece of handler information has been rendered, i.e., is valid at the present time).

As to **claim 45**, Shoff discloses the data display control apparatus of claim 44, wherein each of the plurality of contents includes link information (hyperlinks) for indicating a linked content into which a content being displayed will be changed (col. 5, ll. 12-33),

the instruction is an instruction for switching the content being displayed over to the linked content indicated by the link information of the content being displayed (col. 11, ll. 3-11).

As to **claim 46**, Shoff discloses the data display control apparatus of claim 44, wherein each of the plurality of contents includes on-screen information for forming image data and on-screen graphics (col. 5, ll. 23-32) to be displayed superimposed on the image data (col. 10, ll. 44-50),

the on-screen information includes, for each of the on-screen graphics, initial state information (display layout) for indicating a state of the on-screen graphics at a beginning of a display of each of the plurality of contents (col. 10, ll. 34-44),

the instruction includes another instruction for changing the state of the on-screen graphics being displayed (col. 11, 48-65), and

the display control unit, upon displaying each of the plurality of contents, displays the on-screen graphics in the state indicated by the initial state information (col. 10, ll. 50-53), and in the case where the time information judging unit judges that the instruction should be executed, changes the state of the on-screen graphics being displayed, by executing the instruction (col. 11, ll. 48-55).

As to **claim 47**, the data display control apparatus of claim 44, wherein each of the plurality of contents includes on-screen information for forming on-screen graphics (interactive program listings 48,

Art Unit: 2611

fig. 3) that are displayed elements in each of the plurality of contents (as displayed by EPG application, col. 8, ll. 41-44),

the on-screen information includes, for each of the on-screen graphics, a combination of (a) display status information for indicating a state in which the content is displayed (e.g., supplemental content, etc., fig. 3), and (b) a date and time (see fig. 3); and

the display control unit changes the state of the on-screen graphics being displayed according to the present time, using the combination of the display status information (titles, channels, etc...) and the date and time (sorted for display according to viewing times and dates, col. 8, ll. 35-51).

As to **claim 48**, Shoff discloses the data display control apparatus of claim 44, wherein the time information judging unit judges that the instruction should be executed when the present time obtained reaches the time indicated by the time control information (col. 11, ll. 48-64).

As to **claim 49**, Shoff discloses the data display control apparatus of claim 44, wherein each of the plurality of contents includes on-screen information for forming on-screen graphics (col. 5, ll. 23-32);

the display control unit displays the on-screen graphics according to the on-screen information (col. 11, ll. 48-51);

the time judging information unit judges that the instruction should be executed in the case where the present time obtained reaches the time indicated by the time control information while the on-screen graphics are being displayed (col. 11, ll. 59-65).

As to **claim 50**, Shoff discloses the data display control apparatus of claim 44, wherein each of the plurality of contents further includes audio data (voice announcement, col. 11, ll. 16-18) and reproduction time control information for indicating a time at which the audio data is to be reproduced (i.e., upon user triggering soft button 217, col. 11, ll. 16-18); and

Art Unit: 2611

the data display control apparatus controls reproduction of the audio data according to the time indicated by the reproduction time control information (i.e., with each event triggered by the user interacting with soft button 217, the voice announcement is sounded, col. 11, ll. 16-18).

As to **claim 51**, Shoff discloses the data display control apparatus of claim 44, wherein each of the plurality of contents includes time information for indicating a time at which the content has been transmitted (col. 10, ll. 7-9);

the extracting unit, when the display control unit displays the content to be displayed, separates the time information from the transmitted data received by the receiving unit and stores the time information in the data storage unit (storage associated with processor 92, e.g., internal cache or volatile memory 94, fig. 5; col. 10, ll. 34-43);

the present time information obtaining unit obtains the present time by specifying the present time according to the time information stored in the data storage unit (col. 10, ll. 7-9, 50-53).

As to **claim 52**, Shoff discloses the data display control apparatus of claim 44, wherein the present time information obtaining unit obtains the present time by measuring an elapsed time from a certain standard timing (col. 10, ll. 9-14).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2611

5. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on _____
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) _____ - _____ on _____
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Art Unit: 2611

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Lambrecht whose telephone number is (571) 272-7297. The examiner can normally be reached from 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached at (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher M Lambrecht
Examiner
Art Unit 2611

CML



**HAITRAN
PRIMARY EXAMINER**